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Attorney Docket No.: 19374-501

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Farmer, et al.

SERIAL NUMBER: 09/509,159

EXAMINER: Not Yet Assigned

INT'L APPL. April 10, 1998

ART UNIT: Not Yet Assigned

FILING DATE:

FOR: TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR  
CONTROL MICROBIAL INFECTIONS

**Mail Stop IDS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (2 pages), in duplicate;
3. Copies of Cited References: A1-8; B1-2; C1-12; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 19374-501. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

*I A Beattie*

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## INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Farmer, et al.  
U.S.S.N.: 09/509,159

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19374-501.

Respectfully submitted,



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Date: March 18, 2004

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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	09/509,159
	Filing Date	April 10, 1998
	First Named Inventor	Farmer
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	19374-501

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A1	4,110,477	08/29/78	Naruse, et al.	426	46	
	A2	4,871,539	10/03/89	Hata, et al.	424	93	
	A3	5,000,939	03/19/91	Dring, et al.	424	48	
	A4	5,045,314	09/03/91	Bone, et al.	424	93	
	A5	5,176,911	01/05/93	Tosi, et al.	424	83 J	
	A6	5,344,647	09/06/94	Rossall	424	93.462	
	A7	5,431,924	07/11/95	Ghosh, et al.	424	522	
	A8	5,455,028	10/03/95	O'Donnell	424	93.46	

**U.S. PUBLISHED APPLICATION DOCUMENTS**

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B1	WO 93/14187	CONSIGLIO NAZIONALE DELLE RICERCHE	07/22/93	Yes
	B2	JP 63-96107	SHISEIDO CO. LTD.	04/27/88	Abstract only

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	DATABASE MEDLINE, Moldenhauer, et al., <b>Abstract only</b> , Database accession no. NLM7489197, September 1995.
	C2	DATABASE WPI, <b>Abstract only</b> , Section Ch, Week 199309, Derwent Publications Ltd., London, GB, Class B04, AN 1993-073946.
	C3	DATABASE WPI, <b>Abstract only</b> , Section Ch, Week 199734, Derwent Publications Ltd., London, GB, Class B04, AN 1997-367033.
	C4	DATABASE WPI, <b>Abstract only</b> , Section Ch, Week 199637, Derwent Publications Ltd., London, GB, Class C05, AN 1996-368043.
	C5	Gorbach, S.L., <i>Ann. Med.</i> , 22(1):37-41 (1990).
	C6	Klaenhammer, T.R., <i>FEMS Microbiol. Rev.</i> , 12(1-3):39-85 (1993).
	C7	Reid, et al., <i>Clin. Microbiol. Rev.</i> , 3(4):335-344 (1990).
	C8	Schoeni, et al., <i>Applied Environ. Microbiol.</i> , 60(4):1191-1197 (1994).

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C9	Siegel, et al., <i>J. Econ. Entomol.</i> , 83(2):347-355 (1990).
	C10	Sytnik, S.I., <i>Mikrobiologicheskii Zhurnal</i> , 51(1):82-87 (1989).
	C11	International Search Report for PCT/US98/07307, date of mailing: August 31, 1998.
	C12	Partial European Search Report for EP 98 91 8115, date of mailing: January 21, 2003.

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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